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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,107	WANG ET AL.	
	Examiner	Art Unit	
	BENJAMIN ELLIOTT	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/10/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 have been examined and are pending. Claim 18 has been canceled.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The “storable on a readable medium” is not supported by the specification. Examiner points to paragraphs [0053] and [0054], wherein Applicant only describes a “computer program” whose instructions when implemented by a processor cause the method steps to be performed. There is no mention of a storable medium.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to independent Claims 1, 20, 21, 22, and 24, the term “information”, used in exclusion of itself (e.g. Claim 1, line 1,”A method for transferring data and information…”), has no definitive meaning from session description information and data asset information. Examiner points to paragraphs [0034] and [0035]. These two paragraphs give conflicting definitions to the term “information”, as one definition [0034] being related to data asset information, and [0035] describes information relating to the media type of the data. Examiner has taken "information" to mean the media type of data for examination purposes.

With regards to Claim 14, the term "pre-defined attribute structure" is not explicitly defined within the specification. Applicant consistently uses this term

throughout the specification, yet does not give a definition. Examiner has taken this term to mean any structure to store information and data regarding data asset information for purposes of examination.

Claims 2-19 are rejected as they depend from rejected independent Claim 1, and Claim 23 is rejected as it depends from rejected independent Claim 22.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is non-statutory because it is directed to a program per se, since the claim does not specify that the program instructions are stored on a computer readable medium. 1) The claim recites “storable” not stored; something storable may not necessarily be stored. 2) The claim recites "on a readable medium" not on a computer readable medium. A readable medium could be simply a piece of paper that a person can read, not necessarily a computer readable storage medium which is normally a memory of some sort.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1-6, 10, 12-14, 16-17, and 19-24 are rejected under 35 U.S.C. 102(a) as being anticipated by US patent Publication 2003/0236912 A1 to Klements et al. (hereinafter "Klements").

As per Claim 1, Klements discloses **a method for transferring data and information on associated data asset information** ([0012]. The invention utilizes software for embedding content descriptions of metadata about the media streams within a session description message. A streaming media format header containing the descriptions is embedded in the session description message. "Data" of the claim corresponds to media content of the reference, "information" of the claim corresponds to a type tag of the media format contained in the URL (uniform resource locator) of the header ([0049]) of the reference, and "data asset information" of the claim corresponds to metadata ([0038]) of the reference.), **comprising:**

providing (307) session description information (110) that at least partially contains said information on said data asset information ([0013]. The session description message has embedded a streaming media format header and a representation of the metadata.), **wherein said session description information**

obeys a first protocol ([0041]. The SDP (session description protocol) message is transmitted by a description protocol such as SDP.),

transferring (309) said session description information (110) to a destination instance (301) based on a second protocol ([0028]. Transmission of the media streams is controlled by RTSP (Real-time Streaming Protocol.),

and transferring (313) said data between a source instance (305) and said destination instance (301) within a transfer session and based on a third protocol (102) ([0028]. Media streams are transmitted using RTP (Real –time Transport Protocol. Figure 1. A media server, 104, acts as a source. Client, 106, acts as a destination. The media server communicates directly with the client.).

As per Claim 2, Klements discloses **the method according to claim 1, wherein at least at said source instance (305), said data and said information on said data asset information jointly obey a pre-defined format** ([0035]. The file format for streaming media may be in the form of an ASF file (active streaming format or advanced system format). The format has a header field comprising stream identifiers and information about the stream. The header field also contains information regarding the metadata.).

As per Claim 3, Klements discloses **the method according to claim 1, wherein said data represents streamable content (101)** ([0028]. The invention includes software and data structures for embedding streaming media headers describing a streaming media session.) **and wherein said transfer session is controlled by a**

Real-time Streaming Protocol RTSP (109) ([0028]. Transmission of the media streams is controlled by RTSP (Real-time Streaming Protocol.).

As per Claim 4, Klements discloses **the method according to claim 3, wherein said second protocol is said RTSP (109)** ([0028]. Transmission of the media streams is controlled by RTSP (Real-time Streaming Protocol.).

As per Claim 5, Klements discloses **the method according to claim 3, wherein said RTSP (109) uses the services of a Transport Control Protocol TCP (108), of a User Datagram Protocol UDP (104), or of a Hypertext Transfer Protocol HTTP (107)** ([0006]. RTSP provides a means for choosing delivery channels such as TCP or UDP.).

As per Claim 6, Klements **discloses the method according to claim 4, wherein said session description information (110) is transferred (309) to said destination instance (301) by using a DESCRIBE method of said RTSP (109)** ([0031]. The client sends an RTSP DESCRIBE message to the server.).

As per Claim 10, Klements discloses **the method according to claim 1, wherein said third protocol (102) is an RTP (102)** ([0028]. Media streams are transmitted using RTP (Real –time Transport Protocol.).

As per Claim 12, Klements discloses **the method according to claim 4, wherein said TCP (108) or UDP use the services of an Internet Protocol IP (105)** (Figure 9, [0099]. Figure 9 shows the Internet (452) as part of the network. TCP data delivery supports client caching of streaming content.).

As per Claim 13, Klements discloses **the method according to claim 1, wherein said first protocol is a Session Description Protocol (SDP)** ([0041]. The SDP (session description protocol) message is transmitted by a description protocol such as SDP.).

As per Claim 14, Klements discloses **the method according to claim 13, wherein said session description information (110) is a data structure with at least one pre-defined attribute structure (2) for at least a part of said data asset information or for at least one reference to an actual location of at least a part of said data asset information** ([0031]. The SDP message contains a streaming media file header and content description list.).

As per Claim 16, Klements discloses **the method according to claim 2, wherein said pre-defined format is a 3GPP file format or any other file format** ([0035]. The file format for streaming media may be in the form of an ASF file (active streaming format or advanced system format). The format has a header field comprising stream identifiers and information about the stream. The header field also contains information regarding the metadata.).

As per Claim 17, Klements discloses **the method according to claim 16, wherein said data asset information is asset meta-data information contained in a User Data Box of a Movie Box or Track Box of a 3GP file container or any other file container** ([0035]. The file format for streaming media may be in the form of an ASF file. [0010]. The header object of an ASF file stores information as metadata that is needed by a client to decode and render the captured data.).

As per Claim 19, Klements discloses **a computer program product comprising a computer program with instructions storable on a readable medium operable to cause a processor to perform the method steps of claim 1** ([0017]. Computer-readable media store data structures representing description messages.).

As per Claim 20, Klements discloses **a system for transferring data and information on associated data asset information, the system comprising:**
- at least one source instance (305) (Figure 1. A media server, 104, acts as a source.), **and**
- at least one destination instance (301) (Figure 1. Client, 106, acts as a destination.),
wherein session description information (110) is provided (307) ([0013]. The session description message has embedded a streaming media format header and a representation of the metadata.) **that at least partially contains said information on said data asset information and that obeys a first protocol** ([0041]. The SDP (session description protocol) message is transmitted by a description protocol such as SDP.),
wherein said session description information (110) is transferred (309) to said at least one destination instance (301) based on a second protocol ([0031]. The client and server exchange messages using RTSP.),
and wherein said data is transferred (313) between said at least one source instance (305) and said at least one destination instance (301) within a transfer session and based on a third protocol (102) ([0045]. The client receives responses from server via RTP.).

As per Claim 21, Klements discloses **a device for transferring information on data asset information that is associated with data that is transferred (313) between a source instance (305) and a destination instance (301) based on a first protocol (102)** ([0013]. The session description message has embedded a streaming media format header and a representation of the metadata. [0041]. The SDP (session description protocol) message is transmitted by a description protocol such as SDP. Figure 1. A media server, 104, acts as a source. Client, 106, acts as a destination.), **the device comprising:**

a session description protocol for providing session description information (110) that at least partially contains said information on said data asset information, wherein said session description information (110) obeys a second protocol ([0031]. The client and server exchange messages using RTSP.),

and a real-time streaming protocol and a user datagram protocol/internet protocol or transmission control protocol/internet protocol for transferring said session description information (110) to a destination instance (301) based on a third protocol ([0006]. RTSP provides a means for choosing delivery channels such as TCP or UDP, based on RTP.).

As per Claim 22, Klements discloses **a device for receiving data and information on associated data asset information** (Figure 1. The media server communicates directly with the client.)**, wherein session description information (110) is provided (307) that at least partially contains said information on said data asset information and that obeys a first protocol** ([0013]. The session

description message has embedded a streaming media format header and a representation of the metadata. [0041]. The SDP (session description protocol) message is transmitted by a description protocol such as SDP. Figure 1. A media server, 104, acts as a source. Client, 106, acts as a destination.), **the device comprising:**

a user datagram protocol/intemet protocol or a transmission control protocol/intemet protocol for receiving said session description information [[(110)]] ([0006]. RTSP provides a means for choosing delivery channels such as TCP or UDP.),

which is transferred to a destination instance (301) based on a second protocol ([0031]. The client and server exchange messages using RTSP.),

and a real-time transport protocol for receiving said data which is transferred between a source instance (305) and said destination instance (301) within a transfer session and based on a third protocol (102) ([0006]. RTSP provides a means for choosing delivery channels such as TCP or UDP, based on RTP. [0045]. The client receives responses from server via RTP.).

As per Claim 23, Klements discloses **the device according to claim 22, further comprising:**

a session description protocol for at least partially extracting said information on said data asset information from said received session description information (110) ([0013]. The session description message has embedded a streaming media format header and a representation of the metadata. [0041]. The SDP (session

description protocol) message is transmitted by a description protocol such as SDP. Figure 1. A media server, 104, acts as a source. Client, 106, acts as a destination.).

As per Claim 24, Klements discloses **a session description protocol to be used in a system for transferring data and information on associated data asset information** ([0012]. The invention utilizes software for embedding content descriptions of metadata about the media streams within a session description message. A streaming media format header containing the descriptions is embedded in the session description message. “Data” of the claim corresponds to media content of the reference, “information” of the claim corresponds to a type tag of the media format contained in the URL (uniform resource locator) of the header ([0049]) of the reference, and “data asset information” of the claim corresponds to metadata ([0038]) of the reference.), **wherein said data is transferred (313) between a source instance (305) and a destination instance (301) within a transfer session and based on a first protocol (102)** ([0013]. The session description message has embedded a streaming media format header and a representation of the metadata. [0041]. The SDP (session description protocol) message is transmitted by a description protocol such as SDP. Figure 1. A media server, 104, acts as a source. Client, 106, acts as a destination.), **the session description protocol comprising: a definition of a session description information (110) that at least partially contains said information on said data asset information and that lends itself for transfer (309) between said source instance (305) and said destination instance (301) based on a second protocol** ([0031]. The client and server exchange messages using RTSP.).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 7-9, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klements in view of Applicant's admitted prior art (hereinafter "APA").

As per Claim 7, Klements **discloses the method according to claim 1, wherein said data represents streamable content** ([0028]. The invention includes software and data structures for embedding streaming media headers describing a streaming media session.).

Klements is silent on using HTTP as the second protocol.

APA discloses **wherein said second protocol is a HTTP (107)** ([0011]; Figure 1. Transferring the SDP file can be done using HTTP.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Klements to include transferring SDP files using HTTP as the second protocol as taught by APA because HTTP is a well-known file transfer protocol used in concert with SDP to be received from RTSP to then perform streaming content in an advanced session set-up (APA; [0009], [0011]).

As per Claim 8, Klements is silent on HTTP using TCP.

However, APA discloses **the method according to claim 7, wherein said HTTP (107) uses the services of a TCP (108)** (APA; Figure 1; [0008]. HTTP uses the services of TCP.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Klements to include TCP as the underlying service of TCP with HTTP as taught by APA because HTTP is a well-known

file transfer protocol used in concert with SDP to be received from RTSP to then perform streaming content in an advanced session set-up (APA; [0009], [0011]).

As per Claim 9 Klements discloses **the method according to claim 1, wherein said data represents streamable content** (Klements; [0028]. The invention includes software and data structures for embedding streaming media headers describing a streaming media session.).

Klements is silent on the second protocol being RTP.

APA discloses **wherein said second protocol is a Real-time Transport Protocol RTP (102)** (APA; Figure 1; [0009]. RTP/UDP/IP is used to transfer content from the server to the client.).

Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Klements to use RTP instead of HTTP or RTSP as taught by APA because like RTSP, RTP is a standard protocol for transferring streaming data (APA; Figure 1, [0007]), and unlike HTTP, RTP does not need an advanced session set-up to transfer the streaming data (APA; Figure 1, [0009].).

As per Claim 11, Klements is silent on using UDP under RTP.

However, APA discloses the method according to claim 9, wherein said RTP uses the services of UDP (APA; [0007]. Defined by IETF, RTP uses the underlying protocol UDP.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Klements to include UDP under

RTP as taught by APA because UDP is better suited for broadcasting and multicasting, whereas TCP is not.

As per Claim 15, Klements is silent on the second and third protocols partially defining the PSS protocol stack.

However, APA discloses **the method according to claim 1, wherein said second and third (102) protocols at least partially define a protocol stack (1) for a Packet-switched Streaming Service PSS in a 3G mobile communications system** (APA; Figure 1; [0006]. RTP, HTTP, RTSP, TCP, UDP, and IP are defined in the protocol stack of a PSS in a 3G communications system in Figure 1.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Klements to include the second and third protocols partially defining the PSS protocol stack as taught by APA because RTP, HTTP, RTSP, TCP, UDP, and IP are all part of the PSS protocol stack to enable mobile streaming applications ([0005]).

Conclusion

14. Prior art made of record not relied upon:

US Patent Publication 2003/0185370 A1 to Rosera et al. discloses a system and method for triggering call control in a communication network.

US Patent Publication 2004/0073934 A1 to Deshpande discloses streaming video for adaptive user instructions.

US Patent 7,237,108 B2 to Medvinsky et al. discloses encryption of streaming protocols and their headers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN ELLIOTT whose telephone number is (571)270-7163. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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